

# Exhibit 4

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**From:** Vu, Hong-An  
**Sent:** Saturday, August 12, 2017 11:02 PM  
**To:** Andrea P Roberts; Chang, Esther Kim; John Cooper; Matthew Cate; UberWaymoMoFoAttorneys; BSF\_EXTERNAL\_UberWaymoLit@bsfllp.com; DG-GP Otto Trucking Waymo  
**Cc:** QE-Waymo  
**Subject:** RE: Waymo v. Uber: Please respond to deposition dates

Andrea,

Subject to Otto Trucking's objections to Waymo's 30(b)(6) Notice of Deposition to Otto Trucking, Otto Trucking designates Adam Bentley for Topics 1, 2, 3, 6, 7, 9, and 10. You are correct that Otto Trucking does not intend to rely on the individuals you list below at trial based on present knowledge. Should that change, we will follow the parties' agreement on witnesses and depositions memorialized in my August 3 email.

We communicated to you last week that Eyal Cohen was available for deposition on 8/22 to provide to you a potential deposition date that we were trying to work out. As you have not confirmed that date, we now offer Eyal Cohen for deposition after August 24. As with Mr. Janosko, Eyal Cohen is unavailable from now until September 6. He was traveling last week and will be traveling all next week. He is also scheduled to be on vacation from August 21 through September 6. Eyal Cohen is on Otto Trucking's initial disclosures, and Waymo never requested the deposition of any of the witnesses that appear on Otto Trucking's list, but not Uber's, until very recently. Even now, we still have not received any word about whether you intend to depose Mr. Cohen.

We agree that we will need to get Judge Alsup's approval before we can have any depositions after August 24. However, we are willing to enter into a joint stipulation for the deposition of Michael Janosko and Eyal Cohen if you decide you would like to proceed with Mr. Cohen's deposition. Please let us know whether you intend to depose Mr. Cohen and whether you are willing to enter into a stipulation for these two depositions by noon on Monday so that we can plan accordingly.

Also, please let us know whether you will rely on Eric Schmidt, William Grossman, and Sasha Zbrozek at trial. I believe we have scheduled Mr. Grossman and Mr. Zbrozek for deposition, but as we are willing to take them off our list of witnesses if Waymo does not intend to rely on them, we would like to know whether these depositions are necessary.

Thanks,  
Hong-An

**Hong-An Vu**



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**From:** Andrea P Roberts [mailto:[andreaproberts@quinnemanuel.com](mailto:andreaproberts@quinnemanuel.com)]  
**Sent:** Friday, August 11, 2017 4:59 PM  
**To:** Vu, Hong-An; Chang, Esther Kim; John Cooper; Matthew Cate; UberWaymoMoFoAttorneys; BSF\_EXTERNAL\_UberWaymoLit@bsfillp.com; DG-GP Otto Trucking Waymo  
**Cc:** QE-Waymo  
**Subject:** RE: Waymo v. Uber: Please respond to deposition dates

Counsel,

Anil Patel is available on August 17 on the Peninsula.

Michael Janosko is out of the country and is not available until September 5. Although on Waymo's Initial Disclosures, Defendants did not request his deposition until August 7, which is the same day that he left on vacation. He is scheduled to be on vacation through August 20 and then working from Australia August 21-September 2. We are willing to make him available for deposition after August 24. We think the parties should get Judge Alsup's approval before doing so. We note that Defendants did have the opportunity to depose him during PI discovery.

As for Alex Cooper, he is currently out on paternity leave and is scheduled to return next week. We will get his availability upon his return. We again ask if Defendants really need both Alex Cooper and Bob MacDonald's deposition testimony given that their purported relevance to the case is duplicative? We appreciate that Defendants indicated they would take Alex Cooper first, but that did not work for his schedule.

Lastly, for Otto Trucking, to confirm, Otto Trucking does not intend to rely on the following witnesses at trial: Eric Berdinis, Claire Delauney, Drew Gray, Matt Grigsby, Oleg Khainovski, Yevgeni Litvin, David Weikersdorfer, Sachin Patil, Robert Miller, and David Estrada. Please confirm that is correct. Additionally, I don't believe Otto Trucking has designated any witnesses in response to Waymo's 30(b)(6) topics. Please do so.

Thanks,

Andrea

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**From:** Vu, Hong-An [mailto:[HVu@goodwinlaw.com](mailto:HVu@goodwinlaw.com)]  
**Sent:** Thursday, August 10, 2017 6:50 PM  
**To:** Andrea P Roberts <[andreaproberts@quinnemanuel.com](mailto:andreaproberts@quinnemanuel.com)>; Chang, Esther Kim <[echang@mofo.com](mailto:echang@mofo.com)>; John Cooper <[JCooper@fbm.com](mailto:JCooper@fbm.com)>; Matthew Cate <[MCate@fbm.com](mailto:MCate@fbm.com)>; UberWaymoMoFoAttorneys <[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>; BSF\_EXTERNAL\_UberWaymoLit@bsfillp.com; DG-GP Otto Trucking Waymo <[DG-GPOttoTruckingWaymo@goodwinlaw.com](mailto:DG-GPOttoTruckingWaymo@goodwinlaw.com)>  
**Cc:** QE-Waymo <[gewaymo@quinnemanuel.com](mailto:gewaymo@quinnemanuel.com)>  
**Subject:** RE: Waymo v. Uber: Please respond to deposition dates

Andrea,

Here is an update on our disclosures.

1. The following witnesses are also on Uber's list and we believe have been scheduled for deposition, so we do not need to address them:
  - Kevin Faulkner (in the expert phase)
  - Rhian Morgan
2. The following are third parties and we are keeping them on our list, but that we don't have control over them to schedule their depositions. They will need to be subpoenaed:
  - Nuro.ai
  - Velodyne
  - Seval Oz
3. The following individuals we can remove if Waymo is not going to rely on them at trial:
  - Sameer Krshisagar
  - William Grossman
  - Eric Schmidt
  - Sasha Zbrozek
4. Finally, the following individual remains on our list:
  - Eyal Cohen – available on 8/22 for a deposition in San Francisco

All other individuals not mentioned are individuals originally disclosed but that based on present knowledge, Otto Trucking does not intend to rely on at trial. Please let us know your position regarding the individuals in 3. above. Also, as discussed on the call the other day, please let us know whether there are any Otto Trucking or Uber affiliated witnesses that are not scheduled for deposition that you intend to rely on at trial. My understanding is that you only went through your disclosures and stated a position for Waymo witnesses. We want to confirm that the other individuals on your list who have not been deposed are not going to be witnesses for trial.

Thanks,

Hong-An

**Hong-An Vu**



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**From:** Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]

**Sent:** Thursday, August 10, 2017 5:53 PM

**To:** Chang, Esther Kim; John Cooper; Matthew Cate; UberWaymoMoFoAttorneys;  
[BSF\\_EXTERNAL\\_UberWaymoLit@bsflp.com](mailto:BSF_EXTERNAL_UberWaymoLit@bsflp.com); DG-GP Otto Trucking Waymo

**Cc:** QE-Waymo

**Subject:** RE: Waymo v. Uber: Please respond to deposition dates

Esther and Hong-An,

I added some of the outstanding dates to the table below. For your convenience, the new witnesses/dates are in red font.

Additionally, Bob MacDonald is available on August 21 starting at 10:30 am. I'll get back to you on his preferred location. Further, I wanted to clarify my August 7 email regarding Andrew Schultz. I indicated that he is no longer at Waymo. He is still a Waymo employee but is abroad through the end of 2018.

When we will get dates for the witnesses on Otto Trucking's Initial Disclosures who they have not yet agreed to drop? There are still a lot that are outstanding.

Deponent	Date	Location
William Treichler	8/14	
Jeff Holden	8/15	QE SF
Colin Sebern	8/15	QE SF
Brent Schwartz	8/15	QE SF
Adam Kenvag	8/15	
Asheem Linaval	8/15	
Stefanie Olson	8/16	QE SF
Ben Ingram	8/16	MoFo SF
Blaise Gassend	8/16	Peninsula
Joanne Chin	8/16	SF
Don Harrison	8/17	Peninsula
Charlie Johnson	8/17	Peninsula
<b>Michael Xing</b>	<b>8/17</b>	<b>Peninsula</b>
<b>Sasha Zbrozek</b>	<b>8/18</b>	<b>Peninsula</b>
<b>William Grossman</b>	<b>8/18</b>	<b>Peninsula</b>
Gautam Gupta	8/18	QE SF
Tim Willis	8/18	Peninsula
Luke Wachter	8/18	SF
Eric Meyhofer	8/18	Pittsburgh
Don Burnette	8/18	
Eric Tate	8/18	QE SF
Stacy Sullivan	8/18	Peninsula
Rhian Morgan	8/18	
Matthew Palomar	8/18	

Thanks.

**From:** Andrea P Roberts

**Sent:** Thursday, August 10, 2017 3:47 PM

**To:** Chang, Esther Kim <[echang@mofo.com](mailto:echang@mofo.com)>; John Cooper <[JCooper@fbm.com](mailto:JCooper@fbm.com)>; Matthew Cate <[MCate@fbm.com](mailto:MCate@fbm.com)>; UberWaymoMoFoAttorneys <[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>; [BSF\\_EXTERNAL\\_UberWaymoLit@bsfllp.com](mailto:BSF_EXTERNAL_UberWaymoLit@bsfllp.com); [DG-GPOttoTruckingWaymo@goodwinlaw.com](mailto:DG-GPOttoTruckingWaymo@goodwinlaw.com)

**Cc:** QE-Waymo <[qewaymo@quinnemanuel.com](mailto:qewaymo@quinnemanuel.com)>

**Subject:** RE: Waymo v. Uber: Please respond to deposition dates

Esther, below is a table reflecting confirmed dates for depositions next week, including a proposed date for Charlie Johnson. There may be a few additional dates for next week as we continue to confirm dates with the

couple of remaining outstanding witnesses. For several witnesses, I don't believe Defendants have provided a preferred location for the witnesses. Can you please let us know?

Additionally, is the Aurora deposition confirmed for 8/18? Defendants have also served several other deposition subpoenas in the last few days. Can you please let us know if those deposition dates are confirmed?

Deponent	Date	Location
William Treichler	8/14	
Jeff Holden	8/15	QE SF
Colin Sebern	8/15	QE SF
Brent Schwartz	8/15	QE SF
Adam Kenvag	8/15	
Asheem Linaval	8/15	
Stefanie Olson	8/16	QE SF
Ben Ingram	8/16	MoFo SF
Blaise Gassend	8/16	Peninsula
Joanne Chin	8/16	SF
Don Harrison	8/17	Peninsula
Charlie Johnson	8/17	Peninsula
Gautam Gupta	8/18	QE SF
Tim Willis	8/18	Peninsula
Luke Wachter	8/18	SF
Eric Meyhofer	8/18	Pittsburgh
Don Burnette	8/18	
Eric Tate	8/18	QE SF
Stacy Sullivan	8/18	Peninsula
Rhian Morgan	8/18	
Matthew Palomar	8/18	

Thanks.

Andrea

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**From:** Chang, Esther Kim [<mailto:echang@mofo.com>]

**Sent:** Thursday, August 10, 2017 12:59 PM

**To:** Andrea P Roberts <[andreaproberts@quinnemanuel.com](mailto:andreaproberts@quinnemanuel.com)>; John Cooper <[JCooper@fbm.com](mailto:JCooper@fbm.com)>; Matthew Cate <[MCate@fbm.com](mailto:MCate@fbm.com)>; UberWaymoMoFoAttorneys <[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>; [BSF\\_EXTERNAL\\_UberWaymoLit@bsflp.com](mailto:BSF_EXTERNAL_UberWaymoLit@bsflp.com); [DG-GPOttoTruckingWaymo@goodwinlaw.com](mailto:DG-GPOttoTruckingWaymo@goodwinlaw.com)

**Cc:** QE-Waymo <[gewaymo@quinnemanuel.com](mailto:gewaymo@quinnemanuel.com)>

**Subject:** Waymo v. Uber: Please respond to deposition dates

Counsel,

Given that we have offered several witnesses for deposition next week, please let us know today (as soon as possible, but no later than COB) whether Waymo accepts these dates. I am available to meet and confer on deposition scheduling issues this afternoon.

Esther

Tel: (415) 268-7562

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**From:** Chang, Esther Kim  
**Sent:** Wednesday, August 09, 2017 12:01 AM  
**To:** Andrea P Roberts; John Cooper; Matthew Cate; UberWaymoMoFoAttorneys;  
[BSF\\_EXTERNAL\\_UberWaymoLit@bsfllp.com](mailto:BSF_EXTERNAL_UberWaymoLit@bsfllp.com); [DG-GPOttoTruckingWaymo@goodwinlaw.com](mailto:DG-GPOttoTruckingWaymo@goodwinlaw.com)  
**Cc:** QE-Waymo  
**Subject:** RE: Waymo v. Uber: Narrowing of Initial Disclosures

One additional name in red below.

Esther  
Tel: (415) 268-7562

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**From:** Chang, Esther Kim  
**Sent:** Tuesday, August 08, 2017 11:52 PM  
**To:** Andrea P Roberts; John Cooper; Matthew Cate; UberWaymoMoFoAttorneys;  
[BSF\\_EXTERNAL\\_UberWaymoLit@bsfllp.com](mailto:BSF_EXTERNAL_UberWaymoLit@bsfllp.com); [DG-GPOttoTruckingWaymo@goodwinlaw.com](mailto:DG-GPOttoTruckingWaymo@goodwinlaw.com)  
**Cc:** QE-Waymo  
**Subject:** RE: Waymo v. Uber: Narrowing of Initial Disclosures

Counsel,

Please see below regarding various deposition scheduling issues. We have a little over two weeks remaining in fact discovery and would like to close these scheduling issues out by tomorrow or Thursday. As John Cooper has said many times over, "we need to get this done."

**Uber's witnesses**

We offer the following dates:

- William Treichler on August 14
- Adam Kenvarg on August 15
- Asheem Linaval on August 15
- Rhian Morgan on August 18
- Matthew Palomar on August 18
- **Florin Ignatescu on August 21**

Given that the close of fact discovery is fast-approaching, please let us know by Thursday COB whether Waymo accepts these dates.

In addition, please confirm whether Waymo accepts the previously offered dates:

- Adam Bentley on August 22
- Angela Padilla on August 24

Finally, please note that the deposition of Eric Friedberg will take place in New York.

**Waymo's witnesses**

Please provide dates for the below witnesses for whom we are still awaiting dates, by tomorrow COB.

- Alex Cooper
- Anil Patel

- Bob MacDonald
- Charlie Johnson
- Michael Janosko
- Michael Xing
- Sasha Zbrozek

In addition, we confirm the following dates:

- Dan Chu on August 23
- David Lawee on August 24
- Josh Fried on August 24

Esther

Tel: (415) 268-7562

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**From:** Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]

**Sent:** Monday, August 07, 2017 8:41 PM

**To:** John Cooper; Matthew Cate; UberWaymoMoFoAttorneys; [BSF\\_EXTERNAL\\_UberWaymoLit@bsflfp.com](mailto:BSF_EXTERNAL_UberWaymoLit@bsflfp.com); [DG-GPOttoTruckingWaymo@goodwinlaw.com](mailto:DG-GPOttoTruckingWaymo@goodwinlaw.com)

**Cc:** QE-Waymo

**Subject:** Waymo v. Uber: Narrowing of Initial Disclosures

- External Email -

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John and Counsel,

I write regarding the remaining deposition schedule and the parties' "narrowing" of their Initial Disclosures on Friday. Defendants did not meaningfully narrow the list of witnesses they may call at trial. Defendants should further "narrow" their Initial Disclosures so that we know which witnesses should be deposed.

Of the depositions scheduled/requested in "normal" discovery thus far, 42 were noticed by Uber and 31 (33 including Bonderman and Huffington) were noticed by Waymo. Following Friday's identification of witnesses on which the parties do not presently intend to rely at trial, there are still 13 witnesses on Uber's Initial Disclosures who are not yet scheduled to be deposed and who Uber says it may rely upon at trial: Adam Kenvarg, William Treichler, Florin Ignatescu, Asheem Linaval, Michael Karasoff, Matthew Palomar, Daniel Ratner, George Lagui, Rhian Morgan, Justin Suhr, Mary Fulginiti, Kevin Faulkner, Jiajun Zhu, and Dave Ferguson, as well as a long list of various third party companies. There are still 17 witnesses on Otto Trucking's Initial Disclosures who are not yet scheduled to be deposed and who Otto Trucking says it may rely upon at trial: Kevin Faulkner, Rhian Morgan, Sameer Kshirsagar, Asheem Linaval, Velodyne LiDAR, Eric Berdinis, Claire Delauney, Drew Gray, Matt Grigsby, Oleg Khainovski, Yevgeni Litvin, David Weikersdorfer, Sachin Patil, Eyal Cohen, Robert Miller, Seval Oz, David Estrada, and various other third parties. By contrast, there are only 3 witnesses on Waymo's Corrected Initial Disclosures who are not yet scheduled to be deposed and who Waymo currently plans to rely on at trial.

Defendants should further narrow their lists. It is inconceivable that they continue to believe that they will rely on all of these witnesses at trial. If Defendants refuse to provide a more narrow list so that Waymo can realistically depose all potential trial witnesses before the fact discovery cut off, then we will take the position that Defendants are precluded from calling the witnesses listed above at trial.

John, we would like to address this on a meet and confer tomorrow at 11:30.

Thanks,



Andrea

**Andrea Pallios Roberts**

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